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7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-700

13 **RINA MABEL PRELLWITZ**  
14 **158 Clearview Drive**  
15 **Vallejo, CA 94591**

**A C C U S A T I O N**

**Registered Nurse License No. 661266**

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
20 Department of Consumer Affairs.

21 2. On or about July 21, 2005, the Board issued Registered Nurse License Number  
22 661266 to Rina Mabel Prellwitz (Respondent). The Registered Nurse License was in full force  
23 and effect at all times relevant to the charges brought herein and will expire on November 30,  
24 2014, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.

1       4.    Code section 2750 provides, in pertinent part, that the Board may discipline any  
2 licensee, including a licensee holding a temporary or an inactive license, for any reason provided  
3 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4       5.    Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
6 to render a decision imposing discipline on the license.

7                               STATUTORY AND REGULATORY PROVISIONS

8       6.    Code section 2761 states:

9       "The board may take disciplinary action against a certified or licensed nurse or deny an  
10 application for a certificate or license for any of the following:

11       "(a) Unprofessional conduct, which includes, but is not limited to, the following:

12       "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing  
13 functions..."

14       7.    California Code of Regulations, title 16, section 1442, defines "gross negligence" as  
15 used in Code section 2761, as "an extreme departure from the standard of care which, under  
16 similar circumstances, would have ordinarily been exercised by a competent registered nurse.  
17 Such an extreme departure means the repeated failure to provide nursing care as required or  
18 failure to provide care or to exercise ordinary precaution in a single situation which the nurse  
19 knew, or should have known, could have jeopardized the client's health or life."

20       8.    California Code of Regulations, title 16, section 1443, defines "incompetence" as  
21 used in Code section 2761, as "the lack of possession of or the failure to exercise that degree of  
22 learning, skill, care and experience ordinarily possessed and exercised by a competent registered  
23 nurse as described in Section 1443.5."

24                               COST RECOVERY

25       9.    Code section 125.3 provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 FACTS

4 10. On or about January 27, 2010, while working as a registered nurse at Napa State  
5 Hospital in Napa, California, Respondent was assigned to maintain constant/in-sight observation  
6 of Patient A. Patient A was a 53 year-old man with a diagnosis of schizoaffective disorder and a  
7 history of violent behavior. Respondent lost sight of Patient A when she went into the nursing  
8 station and left Patient A in the hallway. Patient A assaulted Patient B while Respondent was in  
9 the nursing station.

10 FIRST CAUSE FOR DISCIPLINE

11 (Gross Negligence and/or Incompetence)

12 11. Respondent is subject to disciplinary action for gross negligence and/or incompetence  
13 under Code section 2761, subdivision (a)(1), as described in paragraph 10, above.

14 SECOND CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct)

16 12. Respondent is subject to disciplinary action for unprofessional conduct under Code  
17 section 2761, subdivision (a), as described in paragraph 10, above.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 661266, issued to Rina  
22 Mabel Prellwitz;

23 2. Ordering Rina Mabel Prellwitz to pay the Board of Registered Nursing the reasonable  
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
25 Code section 125.3;

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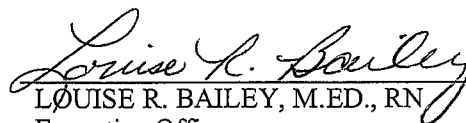
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3. Taking such other and further action as deemed necessary and proper.

DATED: MARCH 2, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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